

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TAREK AL-BIREKDAR,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CV1726-DJS
)	
DAIMLERCHRYSLER CORP.,)	
)	
Defendant.)	

ORDER

On March 4, 2008, the Court entered judgment in plaintiff Tarek Al-Birekdar's favor in the amount of \$200,000.00, plus post-judgment interest as allowed by law. On October 15, 2008, the Court granted in part plaintiff's motions for attorney's fees, prejudgment interest, and taxable costs, and increased the judgment by \$66,311.00 to \$266,311.00.

On November 14, 2008, defendant appealed this matter to the Eighth Circuit Court of Appeals, and on November 28, 2008, plaintiff cross-appealed this matter to the Eighth Circuit Court of Appeals. Now before the Court is defendant DaimlerChrysler's motion for approval of a supersedeas bond and a stay of execution of the judgment [Doc. #104]. Defendant asks the Court to approve the supersedeas bond in its proposed amount, \$266,311.00, and stay execution of the judgment until after disposition of its appeal.

Plaintiff opposes defendant's bond in its present form. Although plaintiff does not argue a stay of the judgment is improper, plaintiff opposes the amount of the proposed bond.

Plaintiff argues that the bond fails to include potential attorney's fees incurred on appeal, as well as appeal costs and potential post-judgment interest, and that a bond of \$266,311.00 is therefore insufficient.

Pursuant to Rule 62(d) of the Federal Rules of Civil Procedure, an appellant may obtain a stay of judgment pending appeal as a matter of right by posting a supersedeas bond. See S.E.C. v. O'Hagan, 901 F. Supp. 1476, 1480 (D. Minn. 1995) (citations omitted). "Generally, the amount of the bond should include the principal amount of the judgment, plus costs, and the amount normally should comprise the full supersedeas bond." Id. (citation omitted).

In this case, the current judgment stands at \$266,311.00. Plaintiff has appealed this judgment, and therefore appellate costs and accrual of post-judgment interest need not be included in defendant's bond. Further, the Court has not yet amended the judgment to include additional attorney's fees. The amount defendant proposes, \$266,311.00, is sufficient to satisfy the current judgment plus costs, as required by Rule 62.

For the above stated reasons,

IT IS HEREBY ORDERED that defendant DaimlerChrysler's motion for approval of supersedeas bond and stay of execution of judgment [Doc. #104] is granted as follows.

IT IS FURTHER ORDERED that defendant's proposed supersedeas bond, in the amount of \$266,311.00, is hereby approved.

IT IS FURTHER ORDERED that the judgment entered on March 4, 2008, as amended on October 15, 2008, shall be stayed pending resolution of defendant's appeal to the Eighth Circuit Court of Appeals.

Dated this 16th day of December, 2008.

/s/Donald J. Stohr
UNITED STATES DISTRICT JUDGE